

Questions & Answers

IFB # 10-22-04 Training Seminars: 2009 International Energy Conservation Code

Question #1

In reviewing the procurement opportunities documents I noted the statement that our training materials become the property of the state and the documents are for DHCD to use at their sole discretion. I am confused as to how this works since our power point and workbooks are copy right protected. What is the intent of the DHCD? Is the need for permanent record of what was taught? or in the future the state has their own employees instruct? or solicit instructors in the future because you already have the class? or print copies and sell to residents contractors etc.? If the training materials become the property of the state would we be able to continue to use the materials?, per the IFB they wouldn't be ours anymore.

Answer #1

Upon entering into this contract, the contractor waives copyright rights as to use by the State per Section 3.4 C of the IFB, which sets forth: "The Contractor shall make available to DHCD for use at its discretion all training material developed as a result of this contract and/or used during the training sessions." The contractor does retain copyright rights outside of use by the State.

Other applicable references are Section 1.17 of the IFB and Provision 15 of the contract terms.

Re: Intent of DHCD: DHCD intends to post the training materials on the Code Lynx web site so that they are available as reference material for the public needing information on updates to the various codes.

Re: (What) is the need for a permanent record of what was taught? After the training session is complete the material is posted so there will be a public reference for changes that were introduced.

Re: Use by state to have their own employees instruct, or to solicit instructors? We do not train; and we do not use outside materials for solicitation purposes.

Re: Will you print copies and sell to residents, contractors, etc.? No. We provide the training free of charge to all who sign up for the classes. We are mandated to do so under COMAR (Code of Maryland Regulations) in order to provide instruction for builders, contractors, government agencies, and the public in the changes and updates in building codes.

As stated above, the Contractor does retain copyright rights outside of use by the state.